IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Bail Appl..No. 7294 of 2007()

CRIME REGISTERED AT THE VRIDDHACHALAM POLICE STATION
TAMIL NADU

: PETITIONERS/ACCUSED:

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1. SRI.RAJ KUMAR G., S/O.V.K.G.MENON,
   AGED 35 YEARS, THEJUS, P.O. THIRUVANNOOR,
   KOZHIKODE-673 029.

2. SRI.V.P.BIMAL DAS,
   ADVOCATE, ANJALI,33/341, EAST MALAPARAMBA,
   KOZHIKODE-673 009.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   (SUB INSPECTOR OF POLICE, PANNIYANKARA POLICE
   STATION, KOZHIKODE).

2. THE SUPERINTENDENT OF POLICE,
   KADALOOR DISTRICT, TAMIL NADU.

3. THE STATION HOUSE OFFICER,
   VRIDDHACHALAM POLICE STATION, KADALOOR,TAMIL NADU.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7294 of 2007

Dated this the 28th day of November 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations under Section 420 I.P.C. Crime has been registered at Vriddachalam police station, Tamil Nadu. Investigation is in progress. The petitioners apprehend imminent arrest. The second petitioner is an advocate and the first petitioner is a client of his.

2. The learned counsel for the petitioners submits that there is absolutely no elements of the offence punishable under Section 420 I.P.C. Only to vex and harass the petitioners, the first accused and his counsel have been arrayed as accused in a private complaint filed before the learned Magistrate which had been referred to the police under Section 156(3) Cr.P.C, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor, after taking instructions, submits that the police have no objection in anticipatory bail being granted to the petitioners; but it may be

ensured that the petitioners shall appear before the court concerned and seek regular bail within a stipulated period of time.

4. I am satisfied in the facts and circumstances of this case that anticipatory bail can be granted to the petitioners subject to appropriate terms and conditions:

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall appear before the learned Chief Judicial Magistrate, Kozhikode on or before 7/12/2007. They shall be released on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) In the bond to be executed before the learned Chief Judicial Magistrate, the petitioners shall undertake that they shall appear before the learned Magistrate having jurisdiction and seek regular bail on or before 15/1/2008.

6. Compliance shall be reported to the learned Chief Judicial Magistrate by 25/1/2008, failing which the learned Chief Judicial Magistrate may take appropriate action for breach of the conditions of the bond.

7. It is made clear that these directions shall not, in any way, fetter the rights of the petitioners to seek quashing of proceedings under Section 482 Cr.P.C or to seek anticipatory bail from the court concerned before the dates prescribed for appearance.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007